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## Daily News Digest Supplement – West, Texas, articles

1 Obama issues emergency declaration in Texas fertilizer plant blast, Reuters, 4/21/13

<http://www.reuters.com/article/2013/04/20/usa-explosion-texas-obama-idUSL2N0D705D20130420>

Summary: President Barack Obama issued an emergency declaration for Texas on Friday to help the state cope with the fallout from a deadly fertilizer plant explosion.

2 Death toll reaches 14 in West, Texas, fertilizer plant blast, UPI, 4/19/13

[http://www.upi.com/Top\\_News/US/2013/04/19/Death-toll-reaches-14-in-West-Texas-fertilizer-plant-blast/UPI-80581366349460/](http://www.upi.com/Top_News/US/2013/04/19/Death-toll-reaches-14-in-West-Texas-fertilizer-plant-blast/UPI-80581366349460/)

Summary: The death toll from the massive West, Texas, fertilizer plant explosion that demolished surrounding neighborhoods reached 14 Friday, authorities said.

3 Plant owner issues statement; manager defends safety record, Waco Tribune, 4/20/13

[http://www.wacotrib.com/news/greater\\_waco/west/plant-owner-issues-statement-manager-defends-safety-record/article\\_e93f4e8a-58c1-5219-84e8-6e47176c1fc8.html](http://www.wacotrib.com/news/greater_waco/west/plant-owner-issues-statement-manager-defends-safety-record/article_e93f4e8a-58c1-5219-84e8-6e47176c1fc8.html)

Summary: Donald Adair, owner of West Fertilizer Co., released a statement Friday pledging his cooperation with fire investigators looking into why the plant burst into flames and then exploded Wednesday night, leveling homes and buildings and killing at least 14 people.

4 West facility shows regulation of fertilizer industry a patchwork, Statesman, 4/18/13

<http://www.statesman.com/news/news/local/regulation-of-fertilizer-industry-a-patchwork/nXQNz/>

Summary: Over the past 10 years, West Fertilizer Co. has been fined or disciplined by at least three different state and federal regulatory agencies for safety or licensing violations — a record that officials called “average,” but which nevertheless highlights the patchwork nature of the industry’s oversight, with regulatory authority passed around by a half-dozen state and federal agencies.

5 Texas town grieves for dead first-responders, Statesman, 4/20/13

<http://www.statesman.com/ap/ap/top-news/official-toll-a-mystery-but-residents-know-lost/nXQ3B/>

Summary: Buck Uptmor didn't have to go to West Fertilizer Co. when the fire started. He wasn't a firefighter like his brother and cousin, who raced toward the plant. But a ranch of horses next to the flames needed to be moved to safety.

6 Information from TCEQ on West Incident, TCEQ, 4/18/13

<http://www.tceq.texas.gov/news/releases/4-18west>

Summary: TCEQ first arrived on-site at 9:37 p.m., Wednesday evening. The TCEQ Mobile Command Post arrived at 4:00 a.m., Thursday morning and is located a ½ mile from the blast site in West. It was up and running at 5:00 a.m. We are working under the incident command and are the lead for coordinating state assets to conduct air monitoring, plume modeling, and assessing all environmental concerns. Environmental assessments are underway.

7 Before Texas plant exploded: What did regulators know? Reuters, 04/19/2013

<http://www.reuters.com/article/2013/04/19/us-usa-explosion-fertilizer-idUSBRE93I04W20130419>

**Summary:** Despite being located within a short walk of a nursing home, school and residential buildings, West Fertilizer Co in central Texas had no blast walls and had filed no contingency plan to the Environmental Protection Agency for a major explosion or fire at the site. It remains unclear what safety measures, if any, were required of the company or whether West Fertilizer failed to comply. But on Wednesday night, the company's fertilizer complex in West, Texas - population, 2,600 - exploded with such force that 60 to 80 homes were flattened, the school and nursing home took heavy damage and at least 14 people were killed, authorities said.

**8 Fertilizer company fined by feds in '12, KXAN, 04/18/2013**

<http://www.kxan.com/dpp/news/texas/tceq-investigated-west-plant-in-2006>

**Summary:** Federal regulators fined the company that operates the Texas fertilizer plant that exploded overnight \$10,000 last summer for safety violations, The Associated Press reported Thursday. But the government accepted \$5,250 after the company took what it described as corrective actions. The wire service also reported that the facility did not have the state-required sprinkler systems.

**9 EPA Fined West Fertilizer Plant In 2006, KERA, 04/18/2013**

<http://keranews.org/post/epa-fined-west-fertilizer-plant-2006>

**Summary:** David Gray, Director of External Affairs for the EPA, issued a statement to KERA that the agency conducted an inspection of the West Fertilizer Co.'s risk management plan on March 16, 2006, during which it found a number of deficiencies. It fined the plant \$2,300 on August 14, 2006 and ordered the facility to correct the problems identified during the inspection.

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## Obama issues emergency declaration in Texas fertilizer plant blast

Fri, Apr 19 2013

WASHINGTON, April 19 (Reuters) - President Barack Obama issued an emergency declaration for Texas on Friday to help the state cope with the fallout from a deadly fertilizer plant explosion.

The order authorizes the Federal Emergency Management Agency to "identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency."

Wednesday's blast occurred at a fertilizer plant in the town of West, Texas, and killed at least 14 people, including volunteer firefighters who raced to the scene to douse a blaze. Authorities said 200 people were injured.

There was no indication of foul play at the West Fertilizer Co plant, a privately owned retail facility.

Republican Senator John Cornyn of Texas said the town's deputy fire marshal told him that 60 people remained unaccounted for.

"I want them to know that they are not forgotten," Obama said in an appearance in the White House briefing room that focused on the capture of the surviving suspect in the Boston Marathon bombings.

"Our thoughts, our prayers, are with the people of West, Texas, where so many people lost their lives, some lost their homes, many are injured, many are still missing," Obama said.

"All in all, this has been a tough week." (Reporting by Gabriel Debenedetti; Editing by Peter Cooney)

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# Death toll reaches 14 in West, Texas, fertilizer plant blast

Published: April 19, 2013 at 11:00 PM

WEST, Texas, April 19 (UPI) --

WEST, Texas, April 19 (UPI) -- The death toll from the massive West, Texas, fertilizer plant explosion that demolished surrounding neighborhoods reached 14 Friday, authorities said.

At least 200 people were injured and 150 homes, three rescue trucks and a fire truck were destroyed in Wednesday's fire and explosion at the West Fertilizer Co. plant, USA Today reported.

Texas Department of Public Safety Sgt. Jason Reyes confirmed two more fatalities, bringing the official death toll to 14, the Waco Tribune-Herald reported.

Gov. Rick Perry visited the disaster scene and met with local officials.

"I'd like to thank everyone who has put so much time and determination into caring for their fellow Texans over the past two days," Perry said. "Whether they worked triage the night of the explosion, pulled extra shifts at area hospitals, or just took one of their displaced neighbors into their home they are the heart and soul of the Texas tradition of neighbor helping neighbor.

"No doubt, there is a lot of work that lies ahead and the road to recovery is long. But this community will come together, this community will mourn and this community will rebuild."

Donald Adair, the owner of Adair Grain Inc., which owns West Fertilizer Co., issued a statement saying it had been "a terrible week for everyone" in the town and expressing his "heartfelt sympathy for those affected and my appreciation for those who responded."

"As a lifelong resident, my heart is broken with grief for the tragic losses to so many families in our community," Adair said. "I know that everyone has been deeply affected by this incident. Loved ones have been injured or killed. Homes have been damaged or destroyed. Our hearts go out to everyone who has suffered.

"The selfless sacrifice of first responders who died trying to protect all of us is something I will never get over. I was devastated to learn that we lost one of our employees in the explosion. He bravely responded to the fire at the facility as a volunteer firefighter. I will never forget his bravery and his sacrifice, or that of his colleagues who rushed to the trouble.

"This tragedy will continue to hurt deeply for generations to come."

Adair said he and the company's employees would work with investigators.

Federal and state investigators were waiting Friday for clearance to enter the blast area to search for clues to the cause of the blast.

"It's still too hot to get in there," said Franceska Perot, spokeswoman for the U.S. Justice Department's Bureau of Alcohol, Tobacco, Firearms and Explosives.

West Volunteer Fire Department members and emergency medical service workers, the first on the scene of the fire, were among those killed, West Mayor Tommy Muska said.

Dallas fire Capt. Kenny Harris, who lived in West, was among those killed in the explosion, WFAA-TV, Dallas, reported.

"Capt. Harris rushed to the scene compelled to provide assistance to his community during this crisis," Dallas Mayor Mike Rawlings said. "I want to express my deepest condolences to his family, friends and co-workers."

Many homes and other buildings were flattened by the explosion Wednesday in the town of 2,500 residents. Search-and-rescue crews moved carefully from one shaky structure to another near the site of the explosion, shoring them up before searching for survivors.

Condolences came from around the world, including from Pope Francis, along with help from across the state. President Barack Obama called to offer federal support to Perry, who declared McLennan County a disaster area to begin the process of receiving federal aid for cleanup and reconstruction.

Texas Lt. Gov. David Dewhurst told CNN the cause of the disaster may not be determined for weeks.

"Unless we know something else, right now it's an industrial accident," he said. "But we're going to get to the bottom of this to find out what happened because we don't want to see this ever happen again."

Inspectors from the Texas Commission on Environmental Quality and the federal Environmental Protection Agency were in West to determine whether it was safe for rescuers to go onto the site.

Reyes said it was unclear when the affected area would be opened to residents, The Dallas Morning News said.

"It's still a very volatile situation," McLennan County Chief Sheriff's Deputy Matt Cawthon said.

Questions have been raised about safety at the plant. The company told the Texas Commission on Environmental Quality when it applied for a permit there was no risk of explosion from its two 12,000-gallon tanks of anhydrous ammonia, the Morning News said. The company, which distributes fertilizer to farmers, received the permit in December 2006.

However, the facility told a state agency in February it was storing as much as 270 tons of ammonium nitrate, the explosive chemical compound used in the April 19, 1995, attack on the Oklahoma City federal building, NBC News reported. The company's risk management plan filed with the federal EPA in 2011 did not mention ammonium nitrate.

NBC said the company has received several disciplinary actions from state and federal regulators since 2006.

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## Plant owner issues statement; manager defends safety record

By MIKE COPELAND [mcopeland@wacotrib.com](mailto:mcopeland@wacotrib.com) | Posted: Friday, April 19, 2013 9:01 pm

Donald Adair, owner of West Fertilizer Co., released a statement Friday pledging his cooperation with fire investigators looking into why the plant burst into flames and then exploded Wednesday night, leveling homes and buildings and killing at least 14 people.

He went on to say, “As a lifelong resident, my heart is broken with grief for the tragic losses to so many families in our community. I know that everyone has been deeply affected by this incident. Loved ones have been injured or killed. Homes have been damaged or destroyed. Our hearts go out to everyone who has suffered.”

The West Fertilizer complex was built in 1962, but was purchased by Adair in June of 2004, according to the Texas Commission on Environmental Quality.

“The fertilizer plant was pretty much alone in that part of West for many years, and it generally has had an outstanding safety record,” said general manager Ted Uptmore, who spoke briefly Friday with the Tribune-Herald.

He said homes, an apartment complex and a nursing home were built nearby “years later.”

Longtime McLennan County Commissioner Joe Mashek, 62, who represented the West area for 16 years, did not dispute Uptmore’s claim that development nearest the plant arrived well after its construction. But he said the area was not bereft of houses, adding he lived in one as a youngster and watched the plant being built.

“I can remember me and a friend playing in one of the huge metal bins, and crews chasing us off more than once,” Mashek said.

### Flanked by prairie

Andrew J. Hahn, chief appraiser for McLennan County, said his records show the plant mostly was flanked by prairie, but a handful of smaller homes dating back to the 1950s were located within 300 yards of it when it was built.

As years passed, other projects pushed toward the cluster of grain-storage silos and fertilizer containers.

West Rest Haven Nursing Home and West Terrace Apartments arrived in the 1960s and late 1970s, respectively, creeping to within 150 yards of the facility.

Then came housing subdivisions on North Reagan Street, followed by one of the community's more upscale neighborhoods called Still Meadow, which took shape in the 1980s.

Hahn, 56, said he grew up on a family farm and could understand the mindset of West residents and their comfort level involving the fertilizer plant.

"That makes sense," Hahn said. "You get kind of numb and really don't think anything is going to happen, or even give it much thought. I grew up around fertilizer and chemicals, some of which I probably should have been concerned about. But that was just a different age."

Mashek agreed, saying, "Everyone considered it a 'fertilizer' plant, not a 'chemical' plant."

He said in warm weather the plant often would emit a strong odor of ammonia that prompted complaints from townspeople.

Because of the plant's age, it was "grandfathered" and exempted from a TCEQ air permit until 2004.

It continued without the required permit until 2006, when the TCEQ received a complaint about smells in the neighborhood and served the company with a notice of violations.

That same year, the U.S. Environmental Protection Agency fined the facility \$2,300, citing several deficiencies in its risk management plan.

### **TCEQ permit**

The plant got its TCEQ permit in late 2006 for the storage of anhydrous ammonia.

At the time of the explosion, it was authorized to keep about 54,000 pounds of the liquid nitrogen that turns into a gas when it is released from pressure.

It also had 270 tons of ammonium nitrate, a dry solid that's better known for its explosive properties than is anhydrous ammonia.

At press time Friday, no official ruling had been made on the cause of the fire and explosion.

In his statement, Adair also said: "The selfless sacrifice of first responders who died trying to protect all of us is something I will never get over. I was devastated to learn that we lost one of our employees in the explosion. He bravely responded to the fire at the facility as a volunteer firefighter.

"I will never forget his bravery and his sacrifice, or that of his colleagues who rushed to the trouble."

He added, "This tragedy will continue to hurt deeply for generations to come."

By Eric Dexheimer, Asher Price and Jeremy Schwartz

American-Statesman Staff

Over the past 10 years, West Fertilizer Co. has been fined or disciplined by at least three different state and federal regulatory agencies for safety or licensing violations — a record that officials called “average,” but which nevertheless highlights the patchwork nature of the industry’s oversight, with regulatory authority passed around by a half-dozen state and federal agencies.

The largest fine, for \$10,000, was levied last year by the U.S. Pipeline and Hazardous Materials Safety Administration, when West Fertilizer failed to write a security plan to transport anhydrous ammonia, a chemical fertilizer stored under pressure. The company said it couldn’t afford to pay that amount, and the penalty was halved after West Fertilizer agreed to correct the oversight, agency documents show.

In 2006, the U.S. Environmental Protection Agency also fined West \$2,300 after discovering the company had failed to update its risk management plan, which includes an analysis of the potential consequences of a worst-case accident, as well as its emergency planning information.

The same year, the Texas Commission on Environmental Quality discovered the company didn’t obtain a required air quality permit. The deficiency was revealed after the agency responded to an odor complaint.

Despite the involvement of the three agencies, oversight of the fertilizer industry in Texas is handled primarily by the Office of the State Chemist’s Feed and Fertilizer Control Service. The obscure office at Texas A&M AgriLife Research acts mainly on behalf of fertilizer users, testing products to make sure that they are free of contaminants and that their labels accurately reflect the advertised product.

The state office registers companies such as West Fertilizer, which experts described as a sort of compounding pharmacy for fertilizers, storing tons of chemicals that it mixes for commercial farmers depending on their particular soil and planting needs. There are just under 600 registered fertilizer businesses registered statewide.

The office can also inspect individual sites “for product safety and security,” said State Chemist Tim Herrman. He said the West facility had been inspected “quite recently,” although he declined to release the inspection reports. Since 2007, the agency has also overseen sales of ammonium nitrate, which can be made into explosives.

While it is still unclear what specific chemicals were stored at the West facility, experts said springtime is typically busy, with many different products on site waiting to be mixed and

delivered to farmers. “This time of year there’s a hodgepodge of all kinds of stuff,” said Matt Pearson, fertilizer administrator with the Office of the Indiana State Chemist.

The Texas Commission on Environmental Quality, which regulates the state’s air and water quality, also has authority to inspect fertilizer businesses. But it typically does so only after it receives complaints, according to executive director Zak Covar.

The agency’s records show only two complaints filed against West Fertilizer since the company began operating in 1962. One, filed in 2002, noted, “There is a cloud of dust. Particles are falling like snow around town. People are afraid to complain, however, this is effecting neighbors health with scratchy throats, cough and sneezing.”

A subsequent investigation found no nuisance conditions.

In 2006, the TCEQ received an odor complaint. During its investigation the agency found that the facility’s permit had expired and issued a notice of violation for operating without a permit. The matter was resolved at the end of the year when the agency granted the facility a new air permit for its two 12,000-gallon anhydrous ammonia storage tanks. A second permit, for the loading and storage of fertilizer materials, was issued in 2007.

Both permits were granted after an agency technical review and a public comment period. In neither case, however, did the public comment.

With no new complaints, no on-site inspection has taken place at the facility since 2007. Covar said his agency would inspect a plant of the size of the one in West in response to complaints and not as a part of a regular inspection regime.

The TCEQ, in any case, appeared to deem the risks to the surrounding community as low. A regional investigator “described the area surrounding the facility as residential and farm land,” according to one of the TCEQ permit documents. “There are two schools located within 3,000 feet of this facility, however, the impact potential is described by the region as low. The nearest off property receptor, a residence, is 350 feet from the plant.”

Unlike some states, Texas doesn’t appear to specifically regulate the location of anhydrous ammonia storage tanks. Such decisions are mainly left up to communities to decide through their own zoning rules. While the City of West does have a zoning plan, it’s not clear when it was instituted or what setbacks it might require between industrial uses and residential areas. City officials couldn’t be reached Thursday.

A handful of federal agencies also oversee bits and pieces of the fertilizer business. In light of the 1995 bombing of the Murrah Federal Building in Oklahoma City, an attack in which Timothy McVeigh made explosives from ammonium nitrate, as well as the 9/11 terrorist attacks, the Homeland Security Department has been writing rules tightening the sale and purchase of that chemical.

The agency's Chemical Facility Anti-Terrorism Standards requires facilities that handle high-risk chemicals to send a self-assessment to the agency, which then determines if the facility needs to be regulated. Those that don't send in the required information can be fined or closed. A Homeland Security spokesman said West Fertilizer has yet to respond: "The West Fertilizer Co. facility is not currently regulated under the CFATS program."

The Environmental Protection Agency, meanwhile, requires risk management plans at all facilities that store hazardous chemicals to keep local communities apprised of local risks. According to its records, West Fertilizer was supposed to update its plan in 2004, but didn't do so for another two years. Federal inspectors also found that the company kept poor training records, hadn't developed a formal written maintenance program and had operating procedures that failed to address the "consequences of deviation."

According to the EPA, following its \$2,300 fine, the company "certified they corrected the deficiencies" and filed an updated plan in 2011 as required. "The worst-case release scenario would be the release of the total contents of a storage tank released as a gas over 10 minutes," the company stated in the plan.

The Occupational Safety and Health Administration also can inspect such facilities, but its inspectors haven't visited the West Fertilizer facility for more than 25 years. In 1985, the company was fined \$30 for five violations – considered "serious" by the agency – including improper handling of anhydrous ammonia.

Online inspection records show OSHA inspections of fertilizer facilities are uncommon, with the agency having inspected only a half-dozen fertilizer manufacturers in Texas in recent years. OSHA inspections are triggered by complaints, referrals from other government agencies and after deadly or dangerous incidents.

Another federal agency is now starting to dig into West Fertilizer's operations. The U.S. Chemical Safety Board is charged with investigating industrial chemical accidents. Its agents arrived Thursday in West.



WEST, Texas —

Buck Uptmor didn't have to go to West Fertilizer Co. when the fire started. He wasn't a firefighter like his brother and cousin, who raced toward the plant. But a ranch of horses next to the flames needed to be moved to safety.

"He went to help a friend," said Joyce Marek, Uptmor's aunt. "And then it blew."

Two days after the fertilizer facility exploded in a blinding fireball, authorities announced Friday that they had recovered 14 bodies, confirming for the first time an exact number of people killed. Grieving relatives filed into a church offering comfort for families, as volunteers nearby handed out food to those still unable to return to homes damaged by the massive blast.

Ten of the dead were first-responders — including five from the West Volunteer Fire Department and four emergency medics, West Mayor Tommy Muska said.

The dead included Uptmor and Joey Pustejovsky, the city secretary who doubled as a member of the West Volunteer Fire Department. A captain of the Dallas Fire Department who was off-duty at the time but responded to the fire to help also died.

The explosion was strong enough to register as a small earthquake and could be heard for many miles across the Texas prairie. It demolished nearly everything for several blocks around the plant. More than 200 people were hurt, and Muska said five first-responders were among those who remained hospitalized Friday.

The first-responders "knew it was dangerous. They knew that thing could go up at any time," said Ronnie Sykora, who was Pustejovsky's deacon at St. Mary of the Assumption Catholic Church. "But they also knew that if they could extinguish that fire before it went up, that they could save tens of lives, hundreds of lives. That's why they were in there."

Following a tour of the rubble Friday, Gov. [Rick Perry](#) told reporters the search-and-rescue phase for anyone still trapped was largely finished. He said the state would offer help to the 29-member local fire department that had been "basically wiped out."

"To the first-responders: I cannot say thank you enough," Perry said.

Hours later, [President Barack Obama](#) issued an emergency declaration and pledged federal disaster relief aid to help West recover. After addressing Friday night's arrest of the second Boston Marathon bombing suspect, the president extended his prayers and sympathies to everyone affected by the plant explosion and said he'd spoken to Perry and Muska and vowed that the community would get the resources it needs to rebuild.

"Our thoughts, our prayers are with the people of West, Texas, where so many good people lost their lives, some lost their homes, many were injured, many are still missing," Obama said. Earlier Friday, Edward Smith, a volunteer chaplain for the Dallas Police Department, counseled firefighters at West's fire station.

"Right now, the general public might be saying, 'Well, why aren't they talking about this?'" Smith said of the firefighters. "They don't necessarily even want to talk about it. They're holding out hope."

In a town of just 2,800 people, everyone here knew someone affected by the explosion. Officials offered reassurances Friday about the 60 or so people listed as unaccounted for after the blast. McLennan County Judge Scott Felton said many people on the list probably lost their homes and have simply been difficult to locate since the Wednesday evening accident. "I think we're going to eliminate 99 percent" of those listed, he said.

The fertilizer facility stores and distributes anhydrous ammonia, a fertilizer that can be injected into soil. It also mixes other fertilizers.

Plant owner Donald Adair released a statement saying he never would forget the "selfless sacrifice of first-responders who died trying to protect all of us."

One of the plant employees also was killed responding to the fire, Adair said.

Federal investigators and the state fire marshal's office began inspecting the blast site Friday to collect evidence that may point to a cause.

Franceska Perot, a spokeswoman for the Bureau of Alcohol, Tobacco, Firearms and Explosives, said Friday evening that investigators still were combing through debris and would continue Saturday.

Residents cannot return to their homes until investigators are finished, Perot said. She did not have a timetable on when that might be.

"We're moving as fast as we can," Perot said. "We don't want them working at night because things can be missed."

Texas Sens. John Cornyn and [Ted Cruz](#), who toured the town Friday, said they would wait for more information about the explosion before considering whether there should be more regulation of anhydrous ammonia.

The accident forever changed the community's landscape. An apartment complex was badly shattered, a school set ablaze and a nursing home left in ruins. At West Intermediate School, which was close to the blast site, all the building's windows were blown out, as well as the cafeteria.

Marek was teaching a high school youth group when the blast shook the room. The lights went out, and a student's phone lit up with a text message that there was an explosion at the fertilizer plant. He told Marek his brother's truck had been picked up and hurled into his family's house. Marek spent the next couple of hours wondering if she knew anyone who might be at the plant. Then Uptmor's wife called.

"She said, 'Have you heard from Buck? She told me they had called him up there, and she couldn't get a hold of him," Marek said.

They spent the next few hours frantically searching for the father of three, who coached baseball, played drums in a band and whose phone always was ringing with people seeking help. Sometimes it was a truck stuck in a ditch or a house that flooded or a neighbor who needed a hand moving furniture.

Every time, Marek said, Uptmor would go.

"Why did they have to call him? He was safe at home with his family," Marek said. "But you know, if he hadn't gone, he wouldn't have been Buck."

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Associated Press writers Will Weissert and Christopher Sherman in West, Juan Carlos Llorca in El Paso, and video journalists John L. Mone and Raquel Maria Dillon in West contributed to this report.

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## Information from TCEQ on West Incident

FOR IMMEDIATE RELEASE

**Thursday, April 18 - Emergency Response, Permit Information**

Contact Terry Clawson  
Phone 512 239-5000  
Pager 512 657-0738

TCEQ staff members are involved in two aspects of this disaster.

1) TCEQ first arrived on-site at 9:37 p.m., Wednesday evening. The TCEQ Mobile Command Post arrived at 4:00 a.m., Thursday morning and is located a ½ mile from the blast site in West. It was up and running at 5:00 a.m. We are working under the incident command and are the lead for coordinating state assets to conduct air monitoring, plume modeling, and assessing all environmental concerns. Environmental assessments are underway.

2) To address immediate safety concerns, 12 Area RAE monitors have been set up around perimeter to monitor the air at distances ranging from a half-mile to a quarter-mile. At first light an entry team of TCEQ Emergency Response Contractors, 6th Civil Support Team, and EPA Contractors began to characterize the site to determine current facility emissions within the exclusion zone. TCEQ is actively monitoring air quality to assess any immediate health effects or threats.

At TCEQ headquarters in Austin, staff have compiled information about the company's permits and compliance history.

### AIR PERMIT AUTHORIZATIONS:

There are two air permit authorizations:

- a. Permit #79803 for two 12,000-gallon anhydrous ammonia storage tanks; and
- b. Permit #80404 for the material loading and storage operations of dry fertilizer materials.

The first air permit was issued on December 12, 2006 after technical review and with no comments received following an opportunity for public comment and contested case hearing.

The second permit was issued on March 15, 2007 after technical review and with no comments received following an opportunity for public comment and contested case hearing.

West Fertilizer Co. was originally constructed in 1962 prior to state and federal requirements to obtain authorization for emission of air contaminants. As a result, this facility was 'grandfathered' until state law required grandfathered facilities to obtain authorization, in this instance, September 1, 2004. Following a 2006 citizen complaint, the TCEQ investigated and issued a notice of violation.

In addition, to all appropriate rules and regulations of the agency, the facility operates under general and special permit conditions and other technical requirements.

More specifically, the applications were reviewed for protectiveness to ensure that emissions from normal, day to day operations would not have impacts off property. For the anhydrous ammonia application this included air dispersion screen modeling as well as special conditions in the permit to mitigate potential releases of ammonia. While this permit contains requirements that reduce the risk of an ammonia release, the TCEQ does not authorize upsets or emission events.

#### INVESTIGATIONS:

This facility has been subject to routine oversight and complaint driven investigations:

- a. Investigation No. 10077 (Incident No. 6055): Dust complaint investigation conducted September 18, 2002 to October 3, 2002 – no nuisance conditions noted.
- b. Investigation No. 483529 (Incident No. 76859): Odor complaint investigation conducted June 20, 2006 - The TCEQ observed the facility had lost their grandfather permitting status and were required to obtain authorization. Per state law, grandfathered facilities in this instance were required to file a permit application by September 1, 2004. Notice of Violation issued on June 21, 2006 for operating without authorization and subsequently resolved on December 21, 2006 following submission of air permit application with TCEQ. (See Investigation No. 534828 below)
- c. Investigation No. 513398: Site review investigation conducted on September 20, 2006 - no concerns noted.
- d. Investigation No. 518224: Consistent with agency practice, TCEQ conducted an investigation and provided comment on draft permit provisions on November 2, 2006 - no additional changes made to draft permit. Permit No. 79803 was issued on December 12, 2006 after a technical review and an opportunity for public comment period and contested case hearing.
- e. Investigation No. 534828: Follow up investigation reviewing compliance documentation conducted on December 20, 2006, regarding violation documented

from Investigation No. 483529 - violation resolved by obtaining needed permits listed above.

f. Investigation No. 536904: Consistent with agency practice, TCEQ conducted a site investigation re: draft permit provisions on January 16, 2007.

g. Investigation No. 542417: Consistent with agency practice, TCEQ conducted a file review re: draft permit provisions on February 28, 2007 - no additional changes made to draft permit. Permit No. 80404 was issued on March 15, 2007 after a technical review and an opportunity for public comment period and contested case hearing.

TCEQ has not received any complaints regarding this facility since those documented above.

TCEQ is cooperating with other state, federal, and local authorities during emergency response as well as with subsequent investigations.

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(Reuters) - Despite being located within a short walk of a nursing home, school and residential buildings, West Fertilizer Co in central Texas had no blast walls and had filed no contingency plan to the Environmental Protection Agency for a major explosion or fire at the site.

It remains unclear what safety measures, if any, were required of the company or whether West Fertilizer failed to comply. But on Wednesday night, the company's fertilizer complex in West, Texas - population, 2,600 - exploded with such force that 60 to 80 homes were flattened, the school and nursing home took heavy damage and at least 14 people were killed, authorities said.

In a 2011 filing with the EPA, the operators of West Fertilizer told regulators that a typical emergency scenario at the facility that holds anhydrous ammonia could result in a 10-minute release of the substance in gas form. That chemical, used as a fertilizer, is toxic to inhale but is not considered highly flammable or explosive, and the safety plan did not envisage any blast scenario.

In a separate filing earlier this year to the Texas Department of State Health Services, West Fertilizer disclosed that, as of the end of 2012, the company was also storing more volatile chemical compounds at the same address, including 270 tons of ammonium nitrate.

The same type of solid fertilizer was mixed with fuel and used by Timothy McVeigh to raze the Oklahoma City federal building in 1995, killing 168 people. Sales of as little as 25 pounds (11 kg) of the substance are now tracked by the U.S. Department of Homeland Security.

Investigators said on Thursday they remained concerned about volatile chemicals that may remain on the site, posing further risk. One official, McLennan County Deputy Sheriff Matt Cawthon, said ammonium nitrate was found at the scene. It was not known whether the site used or stored the substance before 2012.

"This is a fertilizer company and as it is, it has that type of component in it and it is a volatile product," Cawthon told reporters. "I don't know about anhydrous ammonia. I've been told about ammonium nitrate."

Authorities are investigating what caused Wednesday's blast, Cawthon said.

Public records show that the family-run company in recent years had at least two types of operations at its complex - one that sold and stored liquid fertilizer and another that dealt with dry fertilizer, using what experts consider more volatile ingredients.

West Fertilizer is owned by 83-year-old Donald Adair, and employed fewer than 10 people, according to a background report on the company from [business](#) information firm D&B. Adair and his wife, Wanda Adair, could not be reached for comment. A person who answered the phone at Adair [Grains](#) Inc, West Fertilizer's parent company, said the owners had survived the blast.

Ted Uptmore, listed as manager of the plant, could not be reached for comment, and other people listed in public records as working at the plant did not return phone calls. Craig Rogers, an owner at Security Truck Service, LLC, a contractor who hauls fertilizers and was listed as carrying out an independent safety inspection of the plant in June 2011, did not return a call requesting comment.

In a filing with the EPA in 2011, West Fertilizer outlined safety measures to deal with an incident involving only the less flammable liquid gas, anhydrous ammonia. The filing, obtained by the left-leaning Center for Effective Government, did not envisage an emergency scenario that would cause a fire or explosion.

PLANT'S SAFETY HISTORY AVERAGE

The privately held fertilizer plant, which has been in operation since 1962, has been cited for safety violations by regulators in the past. Records show the EPA fined West in 2006 for \$2,300 for failing to update its risk management plan, a blueprint required to ensure safe operations.

At the time, the EPA found that the firm had poor employee training programs and did not have a formal written maintenance program in place. The EPA has not fined West Fertilizer since then, and the agency listed no outstanding violations as of Thursday.

The EPA, which has officials on the scene, said in a statement, "The facility, which is required by law to submit an updated plan at least every five years, submitted an updated plan in 2011."

West Fertilizer is subject to EPA regulation because the quantity of ammonia it stores on site is more than 10,000 pounds (4,530 kg).

In December 2006, it received a 10-year permit from Texas regulators that allowed for the operation of two 12,000-gallon (45,425-liter) storage tanks for anhydrous ammonia. The permit required West Fertilizer to carry out daily visual, auditory and olfactory inspections. It was not clear whether the firm required, or obtained, additional permits for operations involving more volatile compounds.

In 1985, the company, formerly known as West Chemical & Fertilizer, was cited five times by the federal Occupational Safety & Health Administration. Two of the violations were characterized as "serious," with one related to the storage and handling of anhydrous ammonia, federal records show. There were no records of OSHA fines in more recent years.

At a news conference on Thursday, Zak Covar, executive director of the Texas Commission on Environmental Quality described the plant's safety history as average.

"They don't have any negative complaints," Covar told reporters.

The Adair family is a fixture in the town of West. Wanda Adair, age 79, is listed as a co-owner at West Fertilizer, and as a director of the West Chamber of Commerce and a director of the local branch of the Kiwanis Club, a volunteer group. A call to the West Chamber of Commerce went unanswered.

## A COMMON WAY TO OPERATE

Thousands of sites across rural America store potentially explosive materials and blend fertilizer for farmers, similar to West Fertilizer. In EPA reports, about 10,000 facilities say they store anhydrous ammonia.

Nitrogen-rich fertilizers help promote crop growth and are used by farms across the country.

Anhydrous ammonia is only flammable at temperatures exceeding 1,500 degrees F (816 C) and would not be expected to trigger such a massive blast, according to an expert.

"Farmers inject anhydrous ammonia into the soil and it is not very explosive per se," said K.A. Barbarick, a professor of crop sciences at Colorado State University.

Despite the fiery TV images and death toll from the blast, some in the fertilizer industry are not expecting calls for new restrictions on where and how such facilities can operate.

An estimated 6,500 farm [retail](#) stores in the United States blend, store or sell fertilizers to farmers, said Daren Coppock, chief executive of the Agricultural Retailers Association. The West Fertilizer plant is far from the only one near homes, he said.

(Additional reporting by Rod Nickel in Winnipeg, Ryan McNeill in New York, Erwin Seba and Kristen Hays in Houston; Editing by Janet Roberts, Mary Milliken and Peter Cooney)

## Fertilizer company fined by feds in '12

### Facility did not have required sprinkler system

Updated: Thursday, 18 Apr 2013, 10:36 PM CDT

Published : Thursday, 18 Apr 2013, 9:53 AM CDT

- [Jackie Vega](#)
- Joe Ellis

WEST, Texas (KXAN/AP) - Federal regulators fined the company that operates the Texas fertilizer plant that exploded overnight \$10,000 last summer for safety violations, The Associated Press reported Thursday. But the government accepted \$5,250 after the company took what it described as corrective actions.

The wire service also reported that the facility did not have the state-required sprinkler systems.

Records reviewed by the AP show that the U.S. Pipeline and Hazardous Materials Safety Administration determined that the West Fertilizer Co. planned to transport anhydrous ammonia without making or following a security plan. An inspector also found that the plant's ammonia tanks weren't properly labeled.

It is not unusual for companies to negotiate lower fines with regulators.

Meanwhile, The Texas Commission on Environmental Quality officials said the 51-year-old West fertilizer plant has been cited before for failing to obtain or to qualify for a permit.

- [Photos: Deadly explosion in West Texas](#)
- [How to find a shelter or get help](#)
- [Timeline: Plant cited in 2006](#)

The TCEQ investigated West Fertilizer on June 20, 2006, after receiving a complaint June 9 of a strong ammonia smell.

Agency records show that the person who lodged the complaint said the ammonia smell was "very bad last night" and lingered until after he or she went to bed.

TCEQ officials cited the plant for failing to obtain or to qualify for a permit. The plant received an air quality permit as a fertilizer mixing and storage facility from the TCEQ the following December.

Also in 2006, the U.S. Environmental Protection Agency fined the plant in 2006 for failing to have a risk management plan.

Meanwhile, a search of OSHA inspection records show there have been no inspections done at the facility for at least the last five years.

- [How to file a complaint with Occupational Safety and Health Administration](#)
- [OSHA inspections fact sheet](#)

Amid the rubble and chaos -- and [high winds spurred by an approaching cold front](#) -- the chemical officials are worrying about as search-and-rescue missions are underway is the anhydrous ammonia.

West Fertilizer reportedly stored 54,000 pounds of anhydrous ammonia that, along with nitric acid, is used to produce ammonium nitrate. That is a fertilizer, pesticide and rodent killer.

The U.S. Chemical Safety Board said it was deploying a large investigation team to West. An ATF national response team that investigates all large fires and explosions was also expected, bringing fire investigators, certified explosives specialists, chemists, canines and forensic specialists.

American Red Cross crews from across Texas also headed to the scene to help evacuated residents.

In 2001, an explosion at a chemical and fertilizer plant killed 31 people and injured more than 2,000 in Toulouse, France. The blast happened in a hangar containing 300 tons of ammonium nitrate, which can be used for both fertilizer and explosives. The explosion came 10 days after the Sept. 11, 2001, terrorist attacks in the U.S., and raised fears at the time it was linked. A 2006 report blamed the blast on negligence.

[Wednesday night's explosion](#) leveled the plant, dozens of homes for blocks, and severely damaged other area buildings -- including the West Rest Haven Nursing Home where 133 people were evacuated.

Throughout the overnight hours, emergency crews have been trying to evacuate area homes and conduct search-and-rescue missions.

### **The scene Thursday morning**

Officials in West, Texas, are labeling the deadly explosion at a fertilizer plant that left more than 160 hurt a crime scene.

"What that means to us is: Until we know that it is an industrial accident, we will work it as a crime scene," said Waco Police Sgt. William Patrick Swanton during a press conference around 4:40 a.m. "I have heard no indications that this is anything other than an accidental fire."

Bureau of Alcohol, Tobacco, Firearms and Explosives officials are investigating the explosion at the plant, while the McLennan County Sheriff's Office is investigating the deaths from the Wednesday night explosion.

Swanton said they were still unsure of the number of deaths so far but offered a rough estimate of anywhere between five- and 15 people.

There have already been more than 160 people treated at hospitals, 19 of whom are in serious condition. Of those 101 people treated at Hillcrest Baptist Medical Center, five are in critical condition.

"Some needed fertilizer decontamination when they first came in," said Swanton.

In addition, there are three- to five firefighters missing and an additional law enforcement official who was with those firefighters trying to put out the blaze at the plant when the explosion happened.

### **The explosion**

The blast sent flames shooting high into the night sky -- leaving the factory a smoldering ruin, causing major damage to nearby buildings and injuring several others.

The explosion happened just before 8 p.m. Wednesday and registered a magnitude 2.1 earthquake, according to the U.S. Geological Survey.

West is located about [120 miles north of Austin](#), or about 20 miles north of Waco. The plant is located at [1471 Jerry Mashek Drive](#), just east of Interstate 35.

Among the damaged buildings was the West Rest Haven Nursing Home, from which first-responders evacuated 133 patients -- some in wheelchairs.

**This report contains information from The Associated Press.**

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**Texas News****4:13 PM** THU APRIL 18, 2013

## EPA Fined West Fertilizer Plant In 2006

By [STELLA M. CHÁVEZ](#) (/PEOPLE/STELLA-M-CH-VEZ)

David Gray, Director of External Affairs for the EPA, issued a statement to KERA that the agency conducted an inspection of the West Fertilizer Co.'s risk management plan on March 16, 2006, during which it found a number of deficiencies. It fined the plant \$2,300 on August 14, 2006 and ordered the facility to correct the problems identified during the inspection.

Deficiencies identified in 2006 included:

- Failure to update its risk management plan in a timely manner. The plan was due in 2004 but wasn't updated until 2006.
- Failure to document that hazards had been addressed.
- Operating procedures failed to address consequences of deviation.
- Poor employee training records.
- The company had not developed a formal written maintenance program.

According to Gray, the facility is subject to certain provisions because of the amount of ammonia on its property exceeds 10,000 lbs.

By law, the plant is required to submit an updated plan every five years. It submitted one in 2011. It has not had an accident in the last five years.

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